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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHEN LAWRENCE DEAN,

Defendant.

Case: 2:09CR00285 DAK

MEMORANDUM IN SUPPORT OF
MOTION FOR EVIDENTIARY RULING
PURSUANT TO RULE 32.2 AND
ORDER OF FORFEITURE

JUDGE Dale A. Kimball

The United States of America has sought forfeiture of certain property in the above captioned case and has moved the Court for an Evidentiary Ruling for Order of Forfeiture. The reasons for this Motion are set forth below.

On May 13, 2009, a federal grand jury sitting in the District of Utah, returned an Indictment charging Stephen Lawrence Dean with violation of possession of ammunition by a convicted felon in violation of 18 U.S.C. § 922(g)(1).

Stephen Lawrence Dean pled guilty to Count 1 of the Indictment as indicated on his Statement in Advance of Plea Agreement. In the plea agreement, Stephen Lawrence Dean, a previously convicted felon, agrees that he was in possession of

the Federal Brand .22 caliber Ammunition which is in violation of 18 U.S.C. § 922(g)(1).

Rule 32.2 (b)(1) of the Federal Rules of Criminal Procedure states:

"An Order of Forfeiture must be entered as soon as practicable after a verdict or finding of guilty, or after a plea of guilty or nolo contendere is accepted.... The Court's determination may be based on evidence already in the record, including any written plea agreement..."

Plaintiff has established the requisite nexus between the property and the offense through evidence provided in this action. Stephen Lawrence Dean has verified through his Statement in Advance of Plea that the property was used in the commission and to facilitate the violation of 18 U.S.C. § 922(g)(1). Title 18 U.S.C. § 924(d)(1) states, "[a]ny firearm or ammunition...involved in or used in any knowing violation of subsection...(g)...of section 922,... where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture..."

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WHEREFORE, the United States respectfully requests that this Court make an Evidentiary Ruling that the Federal Brand .22 caliber Ammunition is forfeitable and enter an Order of Forfeiture pursuant to Rule 32.2 (b) (2) of the Federal Rules of Criminal Procedure.

DATED this 3rd day of June, 2010.

CARLIE CHRISTENSEN
Acting United States Attorney

/s/ Cy H. Castle
CY H. CASTLE
Assistant United States Attorney